

APPLICANT(S): WALDMANN, Herman , et. al.
SERIAL NO. 09/849,499

REMARKS

Claims 64-95 and 105-108 were pending in the above identified application. Applicants have amended Claim 64, canceled claims 65-67 and added new claims 110-111. Accordingly, claims 64-95, 105-108 and 109-110 are currently pending in the application. Applicants contend that no amendment made, was for the purpose of narrowing the scope of any claim. Applicants maintain that the amendments contain no new matter. Applicants respectfully request entry of the Amendment.

REJECTIONS UNDER 35 USC 112

The Examiner has maintained the rejections of claims 65-95 and 105-108 under 35 USC 112 first paragraph. Specifically, the Examiner asserted that the specifications failed to provide an enabling disclosure for utilizing any other embryonic stem cell line other than ESF 116 cell line.

Applicants disagree to the Examiner's assertion. Applicants note that the application shows that embryonic stem cells derived from at least three mice strains were effective in maturing into dendritic cells:

"In support of the latter possibility, initial studies on the CBA/Ca cell line ESF1 16 were repeated using a second CBA/Ca line generated in-house (**ESF99**) and one from 129/Sv mice, which is widely used for gene knockout technology and which is commercially available (M). Interestingly, while **ESF99 supported the development of esDC**, albeit to a lesser extent than **ESF116**, D3 failed entirely to do so under the same culture conditions. ES cells generated from other strains can easily be tested for their ability to support development of DC by using the protocols described herein. An additional example of a mouse strain from which ES cells have been shown to support development of DC is **CS7131/6 (ESF75)**" (Page 8 lines 19-31).

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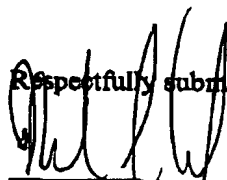
Accordingly, Applicants are contend that one skilled in the art would enable the invention without undue experimentation to any embryonic stem cells population, namely embryonic stem cells from additional mice strains as well as other mammals including human.

Interview

Applicants would like to thank Examiner Thai-An N. Ton of the USPTO for the Interview conducted on June 26, 2003. In the Interview, the Examiner agreed that the rejections under 35 USC 112 will be withdrawn if Applicants will submit a Declaration by an expert in the field, showing that although the subject Application exemplifies embodiments directed to the ability of embryonic stem cells derived from three mice strains to differentiate to dendritic cells in the presence of IL-3 with or without GM-CSF, one skilled in the art would be enabled to obtain embryonic stem cells derived from human stem cells. Applicants are in the process of preparing a Declaration and will forward such a Declaration.

No fee is deemed necessary for filing this Amendment. However, if any fee is required, the undersigned Attorney hereby authorizes the United States Patent and Trademark Office to charge 05-0649.

Respectfully submitted,


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